

REMARKS

Applicants note with appreciation that, in the Office Action dated March 2, 2005, claim 12 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 1, 3, 6-9, 11 and 13-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,498,872 ("Bouevitch et al."). Furthermore, claims 2 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bouevitch et al. in view of U.S. Patent Number 6,801,310 ("Kewitsch et al.").

In response, Applicants have amended the independent claims 9 and 17 to more clearly distinguish the claimed invention from the cited references. As explained below, Applicants respectfully assert that the amended independent claims 9 and 17 are not anticipated by Bouevitch et al. Furthermore, the previously presented independent claim 1 is also not anticipated by Bouevitch et al. In view of the claim amendments and the following remarks, Applicants respectfully request that the pending claims 1-3 and 6-20 be allowed.

A. Patentability of Independent Claim 1

The Office Action has rejected the independent claim 1 under 35 U.S.C. 102(e) as being anticipated by Bouevitch et al. In rejecting claim 1, the Office Action states on page 3 that "birefringent crystal (152) fairly constitutes a 'walk-off' type polarizing beamsplitter." Applicants respectfully disagree.

A birefringent crystal having a property as the birefringent crystal (152) of Bouevitch et al. is sometimes referred to as a "walk-off" crystal. However, a "walk-off" crystal is not a polarizing beamsplitter. A "walk-off" crystal causes certain polarization components to be selectively displaced. A polarizing beamsplitter causes certain polarization components to be selectively reflected. This is illustrated in Figs. 3a and 3b and described in column 6, lines 14-55, of Bouevitch et al. Since the birefringent crystal (152) of Bouevitch et al. is not a polarizing beamsplitter, the

independent claim 1 is not anticipated by Bouevitch et al., and thus, should be allowed.

B. Patentability of Amended Independent Claim 9

The Office Action has rejected the independent claim 9 under 35 U.S.C. 102(e) as being anticipated by Bouevitch et al. In response, Applicants have amended the independent claim 9 to more clearly distinguish the claimed invention from the cited reference of Bouevitch et al.

As amended, the independent claim 9 recites in part *"a diffraction grating optically coupled to said input and output optical units to diffract said polarization components of said optical signals to and from said input and output optical units, said diffraction grating being a reflective type grating."* Bouevitch et al. does not disclose the use of a reflective type diffraction grating for the optical device of Fig. 1. As such, the amended independent claim 9 is not anticipated by Bouevitch et al., and thus, should be allowed.

C. Patentability of Amended Independent Claim 17

The Office Action has also rejected the independent claim 17 under 35 U.S.C. 102(e) as being anticipated by Bouevitch et al. In response, Applicants have also amended the independent claim 17 to more clearly distinguish the claimed invention from the cited reference of Bouevitch et al.

As amended, the independent claim 17 recites in part *"laterally displacing said polarization components of said selected optical signal, including transmitting said polarization components of said selected optical signal through one of a Wollaston prism and a polarizing beamsplitter."* Bouevitch et al. does not disclose using a Wollaston prism or a polarizing beamsplitter in the modifying means (150). Thus, Bouevitch et al. does not disclose the *"laterally displacing"* element of the amended independent claim 17. As such, the amended independent claim 17 is not anticipated by Bouevitch et al., and thus, should be allowed.

D. Patentability of Dependent Claim 2-3, 6-8, 10-16 and 18-20

Each of the dependent claims 2-3, 6-8, 10-16 and 18-20 depends on one of the independent claims 1, 9 and 17. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Helbing et al.

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By: Thomas H. Ham
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300